

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JASON LEE BRADLEY,

Plaintiff,

v.

SWEDISH HEALTH SERVICES d/b/a
SWEDISH MEDICAL CENTER, et al.,

Defendants.

C22-0581 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendant's motion for leave to amend, docket no. 18, is GRANTED, and Defendant shall file its Amended Answer, Ex. A to Mot. (docket no. 18-1), within five (5) days of this Minute Order. Federal Rule of Civil Procedure 15(a) directs that leave to amend shall be freely given "when justice so requires." Fed. R. Civ. P. 15(a)(2). In the Ninth Circuit "this policy is to be applied with extreme liberality." *Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 712 (9th Cir. 2001). The Ninth Circuit has identified four factors that "govern the propriety of a motion" made pursuant to this rule: "(1) undue delay, (2) bad faith, (3) futility of amendment, and (4) prejudice to the opponent." *Loehr v. Ventura Cnty. Cmty. Coll. Dist.*, 743 F.2d 1310, 1319 (9th Cir. 1984). The Court has considered these four factors and concludes that they weigh in favor of Defendant. Defendant has not engaged in bad faith in bringing the present motion for leave to amend its Answer to include the affirmative defense of after-acquired evidence, and there is no undue delay because Defendant only recently learned that Plaintiff misrepresented his work experience when he applied to work for Defendant.¹ The Court also concludes that amendment would not be futile. *See Miller v. Rykoff-Sexton, Inc.*, 845 F.2d 209, 214 (9th Cir. 1988) ("[A] proposed amendment is futile only

¹ Additionally, the deadline for amending pleadings in this action is April 10, 2023. *See* Minute Order (docket no. 10).

1 if no set of facts can be proved under the amendment to the pleadings that would
2 constitute a valid and sufficient claim or defense.”). Further, Plaintiff has failed to allege
or demonstrate impacts that rise to the level of prejudice contemplated by the rules.

3 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
4 record.

Dated this 21st day of February, 2023.

Ravi Subramanian

Clerk

s/Laurie Cuaresma

Deputy Clerk